

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

U.S. BANK, N.A., et al.,

Plaintiffs,

v.

STEVEN DERHEIM, et al.,

Defendants.

CASE NO. C13-5720 BHS

ORDER REMANDING CASE

This matter comes before the Court on Defendants notice of removal and related documents. Dkt. 1.

On July 10, 2013, Plaintiffs filed an unlawful detainer action in Pierce County Superior Court for the State of Washington. *Id.* On August 21, 2013, Defendants removed the action to this Court. *Id.*

The notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within 30 days after the service of summons upon the defendant if such initial pleading

1 has then been filed in court and is not required to be served on the defendant, whichever
2 period is shorter. 28 U.S.C. § 1446(b)(1). Moreover, if at any time before final judgment
3 it appears that the district court lacks subject matter jurisdiction, the case shall be
4 remanded. 28 U.S.C. § 1447(c).

5 In this case, Defendants removal is deficient for at least two reasons. First, they
6 claim that they were served with the summons and complaint on June 18, 2013. They
7 removed the action more than 30 days after that date in violation of 28 U.S.C. § 1446.
8 Second, the Court lacks subject matter jurisdiction over Plaintiffs' unlawful detainer
9 action to obtain possession of real property that Defendants will allegedly not vacate.

10 Therefore, the Court *sua sponte* **REMANDS** the matter.

11 **IT IS SO ORDERED.**

12 Dated this 21st day of August, 2013.

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15 BENJAMIN H. SETTLE
16 United States District Judge
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